

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

UNITED STATES OF AMERICA : **CRIMINAL NO. 04 -**

v. : **DATE FILED: _____**

MOISES DeJESUS-TAVAREZ, a/k/a “Carlos Fernandez-Tavarez”	: : : : : :	VIOLATIONS: 8 U.S.C. §§ 1326(a), (b)(2) (reentry after deportation - 1 count) 18 U.S.C. § 1542 (passport fraud – 1 count) 18 U.S.C. §1028(a)(4) (possession of false identification documents- 1 count) Notice of prior conviction Notice of additional factors
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INDICTMENT

COUNT ONE

THE GRAND JURY CHARGES THAT:

On or about August 5, 2004, at Bethlehem, in the Eastern District of Pennsylvania and elsewhere, defendant

MOISES DeJESUS-TAVAREZ,
a/k/a “Carlos Fernandez-Tavarez,”

an alien and a subject of the Dominican Republic, who previously had been deported from the United States on or about May 23, 2000, was found in the United States, having knowingly and unlawfully reentered the United States without first applying to the Attorney General of the United States or his successor, the Secretary for Homeland Security (Title 6, United States Code, Sections 202(3), (4) and 557), for permission to reapply for admission, and without receiving in response the express consent of the Attorney General or his successor to reapply for admission.

In violation of Title 8, United States Code, Sections 1326(a), (b)(2).

COUNT TWO

THE GRAND JURY FURTHER CHARGES THAT:

On or about November 10, 2003, at Bethlehem, in the Eastern District of Pennsylvania, defendant

**MOISES DeJESUS-TAVAREZ,
a/k/a “Carlos Fernandez-Tavarez,”**

did willfully and knowingly make a false statement on an application for a United States passport to be issued in the name of Francisco Javier Gonzalez-Serrano, with the intent to induce and secure the issuance of a passport under the authority of the United States, for his own use, contrary to the laws regulating the issuance of passports and the rules prescribed pursuant to such laws, that is, defendant **MOISES DeJESUS-TAVAREZ, a/k/a “Carlos Fernandez-Tavarez,”** represented that his name was Francisco Javier Gonzalez-Serrano with a birth certificate, No. 1552-1979-01810-304060, that indicated that he was born in Puerto Rico, when in fact this was not his true name and the birth certificate was not his.

In violation of Title 18, United States Code, Section 1542.

COUNT THREE

THE GRAND JURY FURTHER CHARGES THAT:

On or about November 10, 2003, at Bethlehem, in the Eastern District of
Pennsylvania, defendant

**MOISES DeJESUS-TAVAREZ,
a/k/a “Carlos Fernandez-Tavarez,”**

knowingly possessed a false identification document, that is, a birth certificate issued by Puerto Rico, No. 1552-1979-01810-304060, with intent to defraud the United States.

In violation of Title 18, United States Code, Section 1028(a)(4).

NOTICE OF PRIOR CONVICTION

THE GRAND JURY FURTHER CHARGES THAT:

Defendant **MOISES DeJESUS-TAVAREZ, a/k/a “Carlos Fernandez-Tavarez,”** committed the offense charged in Count One of this Indictment after having been convicted in the Supreme Court of the State of New York, of an aggravated felony, that is, attempted criminal sale of a controlled substance, a Class C felony, in violation of sections 110.05 and 220.39 of the Penal Law of the State of New York, Case No. 1919-99.

NOTICE OF ADDITIONAL FACTORS

THE GRAND JURY FURTHER CHARGES THAT:

1. In committing the offense charged in Count One of this Indictment, defendant **MOISES DeJESUS-TAVAREZ, a/k/a “Carlos Fernandez-Tavarez”**:

a. Was previously deported after a conviction for a felony that is a drug trafficking offense for which the sentence imposed exceeded 13 months, as described in U.S.S.G. § 2L1.2(b)(1)(A)(i).

2. In committing the offense charged in Count Two of this Indictment, defendant **MOISES DeJESUS-TAVAREZ, a/k/a “Carlos Fernandez-Tavarez”**:

a. Was an unlawful alien who had been deported on a previous occasion, as described in U.S.S.G. § 2L2.2(b)(1).

FOREPERSON

PATRICK L. MEEHAN
United States Attorney